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9   UNITED STATES DISTRICT COURT
10   NORTHERN DISTRICT OF CALIFORNIA
11

12 | KAREN LEE, | CASE NO. C-07-03913 JSW
13 | Plaintiff, |
14 | V. | **STIPULATION AND [PROPOSED]**
   | | **ORDER TO MODIFY THE ORDER**
15 | STATE FARM MUTUAL AUTOMOBILE | **SELECTING ADR PROCESS AND**
   | INSURANCE COMPANY, DOES 1 | **VACATE THE NOTICE OF**
16 | THROUGH 100, INCLUSIVE, | **APPOINTMENT OF MEDIATOR**
17 | Defendants. |
18

19   All parties, by and through their respective counsel, hereby stipulate to modify the Order

20 Selecting ADR Process and Vacate the Notice of Appointment of Mediator as follows:

21   **I.**
22   **RECITALS**

23   1.   Pursuant to the Notice of Appointment of Mediator filed on December 13, 2007, the

24 Court appointed Richard A. Sipos as mediator in this case.

25   2.   The parties have discussed what forum would provide the best chance to settle this

26 matter. The parties have agreed that an early settlement conference with a magistrate judge offers

27 the best potential for settlement. The parties have agreed to submit the case to Magistrate Judge

28 Bernard Zimmerman for that purpose. A mediation with Mr. Sipos and an early settlement

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1   conference with Magistrate Judge Zimmerman would be duplicative.

2   3.   For these reasons, the parties have agreed to stipulate to modify the Order Selecting

3   ADR Process and request that the Court vacate the Notice of Appointment of Mediator naming

4   Richard A. Sipos.

II.
STIPULATION

The parties hereby stipulate to the modify the Order Selecting ADR Process as follows:

1.   The parties stipulate to submit this matter to Magistrate Judge Bernard Zimmerman
      for an early settlement conference;

2.   The parties agree to hold the early settlement conference by February 11, 2008. If
      Magistrate Judge Zimmerman is not available before February 11, 2008, the parties
      stipulate to hold the early settlement conference on the first mutually agreeable date
      on Magistrate Judge Zimmerman's calendar; and

3.   The parties stipulate to an order vacating the Notice of Appointment of Mediator
      naming Richard A. Sipos.

Dated: January 3 , 2008   HAYES, DAVIS, BONINO,
                                       ELLINGSON, McLAY & SCOTT

                                       By
                                          STEPHEN P. ELLINGSON
                                          Attorneys for Defendant
                                          STATE FARM MUTUAL AUTOMOBILE
                                          INSURANCE COMPANY

Dated: January 3 , 2008   MICHEL & FACKLER

                                       By
                                          MICHAEL D. MICHEL
                                          JEFF M. FACKLER
                                          Attorneys for Plaintiff
                                          KAREN LEE

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STIPULATION AND [PROPOSED] ORDER TO MODIFY THE ORDER SELECTING ADR PROCESS –
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[PROPOSED] ORDER

Pursuant to the parties' stipulation, the Order Selecting ADR Process is hereby modified as follows:

1. The case shall be submitted to an early settlement conference with Magistrate Judge Bernard Zimmerman;

2. The parties shall hold the early settlement conference by February 11, 2008. If Magistrate Judge Zimmerman is not available before February 11, 2008, the parties shall hold the early settlement conference on the first mutually agreeable date on Magistrate Judge Zimmerman's calendar; and

3. The Notice of Appointment of Mediator naming Richard A. Sipos is hereby vacated.

IT IS SO ORDERED.

Dated: _____, 2008

_____
HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

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STIPULATION AND [PROPOSED] ORDER TO MODIFY THE ORDER SELECTING ADR PROCESS –
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